

AMENDED IN ASSEMBLY DECEMBER 3, 2009

CALIFORNIA LEGISLATURE—2009—10 FIFTH EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 2

Introduced by Assembly Member Coto
(Coauthors: Assembly Members Arambula, Fong, Solorio, and
Torrico)

October 14, 2009

An act relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2, as amended, Coto. Public schools: Race to the Top application.

The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational reforms in 4 specified areas: (1) achieving equity in teacher distribution, (2) improving collection and use of data, (3) implementing standards and assessments, and (4) supporting struggling schools. The ARRA requires ~~the~~ a Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The federal Secretary of Education has issued proposed regulations for the Race to the Top Fund.

This bill would require the Governor, the Superintendent of Public Instruction, and the President of the State Board of Education to ensure that California's application for a grant under the Race to the Top Fund includes specified provisions, including, among others, a limit on the amount of grant funds that may be used for expenditures that occur at the State Department of Education and county offices of education, and for administrative costs of local educational agencies. The bill would

require the application to include the 4 core elements identified in the Multiple Pathways approach to school reform, as specified. The bill would require the application to include a revised teacher and administrator compensation schedule as a key strategy in turning around struggling schools beginning in the fall of 2013, as specified *participating local educational agencies, no later than January 1, 2011, to have their governing bodies approve an alternative performance-based incentive compensation package for certificated staff and school administrators, as specified.* The bill would require the application to include provisions for the closure of failing schools, beginning in July 2013 2012, and to include a commitment from the State Department of Education to have proposed a new, transparent process for funding California pupils based on a weighted formula. The bill would require the application to include provisions to redesign statewide tests, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Governor, the Superintendent of Public
- 2 Instruction, and the President of the State Board of Education shall
- 3 ensure that California's application for a grant under the Race to
- 4 the Top Fund authorized under the federal American Recovery
- 5 and Reinvestment Act of 2009 (Public Law 111-5) includes all of
- 6 the following provisions:
- 7 (a) A provision that no more than 10 percent of the Race to the
- 8 Top grant funds may be used for expenditures that occur at the
- 9 State Department of Education or at any of California's county
- 10 offices of education.
- 11 (b) A provision that no more than 10 percent of Race to the Top
- 12 grant funds received by local educational agencies may be used
- 13 for administrative costs.
- 14 (c) Provisions for the reduction by one-third or more in the
- 15 number of outdated, inefficient, or nonproductive compliance
- 16 issues from the Education Code by the commencement of the
- 17 2013–14 school year. *Each participating local educational agency,*
- 18 *with involvement from its stakeholders, shall submit a list to the*
- 19 *department of the least helpful and most counterproductive*
- 20 *Education Code sections on or before June 30, 2011. From those*

1 *lists and its own consideration, the department shall recommend*
2 *sections to be deleted from the Education Code, and shall submit*
3 *its recommendations to the Legislature on or before December*
4 *31, 2011.*

5 (d) Standards and Assessments:

6 (1) Elements that promote maximum pupil participation and
7 success in math and science curricula. These elements shall include
8 the four core elements identified in the Multiple Pathways approach
9 to school reform: core knowledge delivered through projects and
10 engaging instructional strategies; standards grounded in real world
11 application as well as academic; field-based authentic situations;
12 and support services including supplemental instruction.

13 (2) Provisions for well-defined, rigorous standards for every
14 area of the curriculum and assessment tools that measure pupil
15 mastery of these standards.

16 (3) Provisions to redesign current statewide tests so that they
17 do all of the following:

18 (A) Include better-described skills and bodies of knowledge
19 that pupils must master.

20 (B) Limit the assessed skills and knowledge to a reasonable
21 number so that schools and teachers are not overwhelmed by too
22 many standards and assessment targets.

23 (C) Permit schools and teachers to identify whether each skill
24 or body of knowledge has been mastered by individual pupils, and
25 not just cohorts of pupils.

26 (D) Measure pupil growth from a baseline year over time.

27 (E) Realign the current overemphasis on reading and
28 mathematics to acknowledge the value of other subjects to pupil
29 learning.

30 (F) Update standards regularly to compensate for discrepancies
31 between state standards and other rigorous content standards.

32 (e) Data Systems to Support Instruction and Great Teachers and
33 Leaders:

34 ~~(1) Revised teacher and administrator compensation schedules~~
35 ~~as a key strategy in turning around struggling schools beginning~~
36 ~~in the fall term of the 2013–14 school year, that include an added~~
37 ~~category based on data collected around the achievement and~~
38 ~~growth of a teacher or administrator's assigned pupils.~~

39 ~~(2) The revised teacher and administrator compensation schedule~~
40 ~~shall include four levels: (1) beginning/maintenance; (2) enhanced~~

1 pupil growth (12.5 percent higher than school average or district
2 average); (3) extraordinary pupil growth (25 percent higher than
3 school or district average); and (4) extraordinary growth
4 professional who volunteers at a low-performing school, defined
5 as a school ranked in either decile 1 or 2 on the Academic
6 Performance Index (API).

7 (3) The revised teacher and administrator compensation schedule
8 shall apply to all teachers and administrators whose employment
9 begins on or after July 1, 2010. Individual local educational
10 agencies may opt to use the revised schedule for all teachers and
11 administrators, in which case, the period of assessing pupil growth
12 shall begin with the 2010-11 school year, which shall be the
13 baseline. Growth shall be measured from the baseline school year
14 forward.

15 (4) The revised teacher and administrator compensation schedule
16 shall include no less than a 50 percent differential between
17 beginning/maintenance level 1 and volunteer level 4, as those
18 levels are set forth in paragraph (2).

19 (5) Pupil growth for purposes of the revised compensation
20 schedule shall be determined by individual local educational
21 agencies using some combination of statewide assessment tools
22 authorized and recognized by the State Department of Education.

23 (6) Teachers and administrators may qualify for placement on
24 the revised compensation schedule by demonstrating two
25 successive years of academic growth for pupils assigned to them
26 in the field of learning for which they are assigned. If teacher and
27 administrator rates of pupil academic growth fall below the target
28 growth levels for two successive school years, they will revert to
29 the revised compensation schedule.

30 (7) The revised teacher and administrator compensation schedule
31 does not preclude use of longevity and educational attainment as
32 added indicators of compensation.

33 (1) *Participating local educational agencies shall negotiate*
34 *with bargaining units and, no later than January 1, 2011, have*
35 *their governing bodies approve an alternative, performance-based*
36 *incentive compensation package for certificated staff and school*
37 *administrators.*

38 (2) *The alternative compensation package shall include at least*
39 *three of the following:*

1 (A) *Incentives linked to pupil performance for teachers who*
2 *work at schools with high teacher turnovers and in hard-to-fill*
3 *subject areas.*

4 (B) *Incentives linked to pupil performance for teachers who*
5 *agree to transfer to schools in the district that are identified as*
6 *struggling schools.*

7 (C) *An alternative compensation schedule that is rigorous,*
8 *transparent, and equitable, and differentiates the effectiveness of*
9 *teachers and administrators using multiple rating categories that*
10 *take into account data on pupil growth.*

11 (D) *Incentives for teachers who participate in district-sponsored*
12 *professional development opportunities and demonstrate mastery*
13 *of professional development performance standards.*

14 (E) *Salary incentives to departments, grade-level teams, or the*
15 *staffs of schools showing the most growth in pupil achievement.*

16 (F) *Salary incentives linked to pupil performance for highly*
17 *qualified teachers who mentor new teachers.*

18 (f) **Turning Around Struggling Schools:**

19 (1) Provisions for the closure of failing schools beginning in
20 ~~July-2013~~ 2012. A failing school shall be defined as any school
21 that meets three or more of the following criteria:

22 (A) Failure to achieve an API score of 750 or greater.

23 (B) Graduation of fewer than 65 percent of pupils in the
24 graduating class three years in a row.

25 (C) A dropout rate exceeding ~~25 percent~~ 40 percent, using the
26 *number of pupils entering grade 9 compared to the number of*
27 *pupils graduating from high school.*

28 (D) Fewer than 90 percent of pupils in grade 3 at the school
29 read at grade level.

30 (E) Fewer than 90 percent of English learners at the school
31 achieve English fluency within three years.

32 (F) Failure to prepare at least 75 percent of pupils to meet the
33 requirements for attendance at four-year California public
34 universities, or failure to increase that percentage by 15 percent
35 annually, or by 20 percent for Latino and African American pupils.

36 (2) Schools scheduled for closure in ~~2013~~ *the fall of 2012* may
37 do any of the following:

38 (A) Be reconstituted around a plan for success formulated by
39 staff, pupils, and members of the community served.

1 (B) May include “beyond bargaining unit agreement” ability to
2 replace school leaders or staff in order to ensure substantial growth
3 in pupil success and achievement.

4 (C) Be reconstituted in the mode of the Multiple Pathways
5 approach to fundamental school reform, including standards-based
6 career technical education offerings.

7 (D) Be reconstituted into small schools using research-based
8 criteria for effective small schools.

9 (E) Be reconstituted into community-developed charter schools.

10 (F) Be reassigned to neighboring successful schools.

11 (G) *Be reconstituted around teams of volunteer teachers from*
12 *within the school district who develop and submit to the governing*
13 *board for approval a viable plan for the development of a small*
14 *school, basing most or all of the plan on research-based knowledge*
15 *of what constitutes an effective small school.*

16 (H) *Be reconstituted by multidisciplinary teams creating a plan*
17 *approved by the governing board using research-based knowledge*
18 *to assist pupils from traditionally underperforming ethnic or*
19 *language groups to achieve academic success.*

20 ~~(G)~~

21 (I) Utilize a combination of two or more of the alternatives set
22 forth in subparagraphs (A) to ~~(F)~~ (H), inclusive.

23 (3) Commitment from the State Department of Education to
24 have proposed a new, transparent process for funding California
25 pupils based on a weighted formula. This weighted process shall
26 be rooted in the concept that it costs more to educate some pupils
27 than others, that it costs more to educate pupils at some grade
28 levels than others, ~~and that it costs more to live in some parts of~~
29 ~~California than others.~~ *levels than others. The process shall be*
30 *planned for implementation as new Proposition 98 funds become*
31 *available. A local educational agency shall not be asked to receive*
32 *fewer dollars so that other local educational agencies can receive*
33 *more.*

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